

RECEIVED  
CENTRAL FAX CENTER

JUN 21 2006

PROSKAUER ROSE LLP

1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington DC 20004-2533  
Telephone 202.416.6800  
Fax 202.416.6899

NEW YORK  
LOS ANGELES  
BOSTON  
BOCA RATON  
NEWARK  
NEW ORLEANS  
PARIS

CUSTOMER NO: 61263

Date June 21, 2006 Attorney Docket No. 14677-012

Total Pages (Including Cover) 9

From Susan F. Mahon

Sender's Voice Number 202.416.5806

Sender's Email Address smahon@proskauer.com

**Fax Transmittal**

Sender's Room Number DC

Main Fax Number 202.416.6899

To: U.S. PATENT & TRADEMARK OFFICE

Fax No.: 571-273-8300

Message

**OFFICIAL COMMUNICATION**

RE: U.S. Application No. 10/541,354  
Filing Date: July 5, 2005  
First Named Inventor: Jörn BULLERDIEK  
Art Unit: Not Yet Assigned  
Examiner: Not Yet Assigned

**SUBMITTED PAPERS:**

- CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8 FORM PTO/SB/97 (1 page)
- TRANSMITTAL FORM PTO/SB/21 (1 page)
- FEE TRANSMITTAL FORM PTO/SB/17 (1 page)
- COPY OF THE NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATE DESIGNATED/ELECTED OFFICE (DO/EO/US) (2 pages)
- COPY OF DECLARATION AND POWER OF ATTORNEY (3 pages)

**Confidentiality Note:** This message is confidential and intended only for the use of the addressee(s) named above. It may contain legally privileged material. Dissemination, distribution or copying of this message, other than by such addressee(s), is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original to us at the address above. We will reimburse you for the cost of the telephone call and postage. Thank you.

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on June 21, 2006  
Date



Signature

Paul M. Booth

Typed or printed name of person signing Certificate

40,244

Registration Number, if applicable

202-416-6800

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

**IDENTIFIED SUBMITTED PAPERS RE: APPLN NO. 10/541,354:**

- TRANSMITTAL FORM PTO/SB/21 (1 page)
- FEE TRANSMITTAL FORM PTO/SB/17 (1 page)
- COPY OF NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (2 pages)
- COPY OF DECLARATION AND POWER OF ATTORNEY (3 pages)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22312-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUN 21 2006

# TRANSMITTAL FORM

Application Serial Number	10/541,354
Filing Date	July 5, 2005
First Named Inventor	John BULLERDIEK
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket No.	14677-012
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

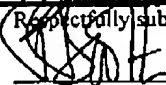
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time (1/2/3 months) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notification to File Missing Requirements (PCT/DO/EO/905) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Copy of Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate) <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
---	--	---

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Paul M. Booth  
 Proskauer Rose LLP  
 1001 Pennsylvania Ave., N.W.  
 Suite 400  
 Washington, D.C. 2004  
 Tel. No.: (202) 416-6800  
 Fax No.: (202) 416-6899  
 CUSTOMER NO: 61263

## SIGNATURE BLOCK

Date: June 21, 2006  
 Reg. No.: 40,244  
 Tel. No.: (202) 416-6800  
 Fax No.: (202) 416-6899

Respectfully submitted,  
  
 Paul M. Booth  
 Attorney for the Applicant(s)  
 Proskauer Rose LLP  
 1001 Pennsylvania Ave., N.W.  
 Suite 400  
 Washington, D.C. 20004


FEE TRANSMITTAL FY 2006					Complete if Known	
					Application Serial No.	10/541,354
					Filing Date	July 5, 2005
					First Named Inventor	Jorn BULLERDIEK
					Group No.	Not Yet Assigned
					Examiner Name	Not Yet Assigned
					Confirmation No.	Not Yet Assigned

**RECEIVED**  
**CENTRAL FAX CENTER**  
**JUN 21 2006**

METHOD OF PAYMENT					FEE CALCULATION (continued)																																																																																											
<input checked="" type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other					<b>4. ADDITIONAL FEES</b>																																																																																											
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-3840 <input checked="" type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Large Entity</th> <th style="width: 10%;">Small Entity</th> <th style="width: 50%;">Fee Description</th> <th style="width: 30%;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$130.00</td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>Request for ex parte re-examination</td> <td></td> </tr> <tr> <td>120</td> <td>60</td> <td>Extension for reply within 1<sup>st</sup> mo.</td> <td></td> </tr> <tr> <td>450</td> <td>225</td> <td>Extension for reply within 2<sup>nd</sup> mo.</td> <td></td> </tr> <tr> <td>1,020</td> <td>510</td> <td>Extension for reply within 3<sup>rd</sup> mo.</td> <td></td> </tr> <tr> <td>1,590</td> <td>795</td> <td>Extension for reply within 4<sup>th</sup> mo.</td> <td></td> </tr> <tr> <td>2,160</td> <td>1,080</td> <td>Extension for reply within 5<sup>th</sup> mo.</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1,000</td> <td>500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>400</td> <td>0</td> <td>Petitions to the Director</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of IDS</td> <td></td> </tr> <tr> <td>790</td> <td>395</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>790</td> <td>395</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>100</td> <td>100</td> <td>Certificate of Correction for applicant's error</td> <td></td> </tr> <tr> <td>130</td> <td>65</td> <td>Submission of Terminal Disclaimer</td> <td></td> </tr> <tr> <td colspan="4">Other fee (Specify) _____</td> </tr> <tr> <td colspan="4">Other fee (Specify) _____</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>4. TOTAL:</b></td> <td><b>\$130.00</b></td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath	\$130.00	50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte re-examination		120	60	Extension for reply within 1 <sup>st</sup> mo.		450	225	Extension for reply within 2 <sup>nd</sup> mo.		1,020	510	Extension for reply within 3 <sup>rd</sup> mo.		1,590	795	Extension for reply within 4 <sup>th</sup> mo.		2,160	1,080	Extension for reply within 5 <sup>th</sup> mo.		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1,000	500	Request for oral hearing		400	0	Petitions to the Director		180	180	Submission of IDS		790	395	Filing a submission after final rejection (37 CFR 1.129(a))		790	395	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		130	65	Submission of Terminal Disclaimer		Other fee (Specify) _____				Other fee (Specify) _____				<b>4. TOTAL:</b>			<b>\$130.00</b>
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																													
130	65	Surcharge - late filing fee or oath	\$130.00																																																																																													
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																														
130	130	Non-English specification																																																																																														
2,520	2,520	Request for ex parte re-examination																																																																																														
120	60	Extension for reply within 1 <sup>st</sup> mo.																																																																																														
450	225	Extension for reply within 2 <sup>nd</sup> mo.																																																																																														
1,020	510	Extension for reply within 3 <sup>rd</sup> mo.																																																																																														
1,590	795	Extension for reply within 4 <sup>th</sup> mo.																																																																																														
2,160	1,080	Extension for reply within 5 <sup>th</sup> mo.																																																																																														
500	250	Notice of Appeal																																																																																														
500	250	Filing a brief in support of an appeal																																																																																														
1,000	500	Request for oral hearing																																																																																														
400	0	Petitions to the Director																																																																																														
180	180	Submission of IDS																																																																																														
790	395	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																														
790	395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																														
100	100	Certificate of Correction for applicant's error																																																																																														
130	65	Submission of Terminal Disclaimer																																																																																														
Other fee (Specify) _____																																																																																																
Other fee (Specify) _____																																																																																																
<b>4. TOTAL:</b>			<b>\$130.00</b>																																																																																													
<b>FEE CALCULATION</b>																																																																																																
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>																																																																																																
Application Type	Filing	Search	Examination	Fee Paid																																																																																												
Utility	300	500	200																																																																																													
Design	200	100	130																																																																																													
Plant	200	300	160																																																																																													
Reissue	300	500	600																																																																																													
Provisional	200	0	0																																																																																													
<b>Small Entity Discount</b>																																																																																																
<b>1. TOTAL</b>																																																																																																
<b>2. EXCESS CLAIM FEES</b>																																																																																																
		Fee	Small Entity Fee (\$)																																																																																													
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent		50	25																																																																																													
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent.		200	100																																																																																													
Total Claims		Extra Claims		Fee Paid (\$)																																																																																												
$\text{HP} = \text{highest number of total claims paid for, if greater than 20}$ $\text{HP} = \text{highest number of total claims paid for, if greater than 3}$																																																																																																
Indep. Claims		Extra Claims		Fee Paid (\$)																																																																																												
$\text{HP} = \text{highest number of total claims paid for, if greater than 3}$ $\text{HP} = \text{highest number of total claims paid for, if greater than 3}$																																																																																																
Multiple Dependent Claims		Fee(\$)	Small Entity fee (\$)	Fee Paid (\$)																																																																																												
		360	180																																																																																													
<b>2. TOTAL:</b>																																																																																																
<b>3. APPLICATION SIZE FEE</b>																																																																																																
If the specification and drawing exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																																																																																																
Total Sheets	Extra Sheets	Additional 50 or fraction thereof	Fee (\$)	Fee Paid																																																																																												
-100=	0	/50=	round up to a whole number	x = 0.00																																																																																												
<b>3. TOTAL:</b>																																																																																																
<b>CORRESPONDENCE ADDRESS</b>																																																																																																
Direct all correspondence to: Paul M. Booth Proskauer Rose LLP 1001 Pennsylvania Avenue, N.W., Suite 400 Washington, D.C. 20004 Tel. No.: (202) 416-6800 Fax No.: (202) 416-6899 CUSTOMER NO: 61263																																																																																																

**SIGNATURE BLOCK**

Respectfully submitted,



Date: June 21, 2006  
 Reg. No.: 40,244  
 Tel. No.: (202) 416-6800  
 Fax No.: (202) 416-6899

Paul M. Booth  
 Attorney for the Applicant(s)  
 Proskauer Rose LLP  
 1001 Pennsylvania Ave., N.W., #400  
 Washington, D.C. 20004

05/27/2006 LIXXBSRA 00000093 503040 10541354  
 01 FC:1617 130.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,354	Jorn Bullerdiek	39078-0010US1

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP04/00030

I.A. FILING DATE	PRIORITY DATE
01/05/2004	01/03/2003

26633  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
1717 RHODE ISLAND AVE, NW  
WASHINGTON, DC 20036-3001

APR 23 2006

CONFIRMATION NO. 1121

371 FORMALITIES LETTER



\*OC000000018617062\*

Date Mailed: 04/26/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/05/2005
- Copy of the International Search Report filed on 07/05/2005
- Copy of IPE Report filed on 07/05/2005
- Biochemical Sequence Listing filed on 07/05/2005
- U.S. Basic National Fees filed on 07/05/2005
- Priority Documents filed on 07/05/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

REVIEWED

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,354	PCT/EP04/00030	39078-0010US1

FORM PCT/DO/EO/905 (371 Formalities Notice)